1 SPIRO JANNINGS FILED 1304 Shortridge Ave. Unit C 2 San Jose, CA 95116 MAY 12 2023 m 408-292-0646 3 Spiro@redlineracingcams.com U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA 4 CREDITOR/APPELLANT, Pro Se 5 6 UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA 7 SAN FRANCISCO DIVISION 8 9 JANNINGS, Bankruptcy Case No. 19-30088 (DM) 10 Appellant, Chapter 11 (Jointly Administered) 11 APPELLANT'S DESIGNATION OF v. RECORD AND STATEMENT OF ISSUES 12 PG&E CORPORATION, and ON APPEAL FROM BANKRUPTCY PACIFIC GAS & ELECTRIC COMPANY **COURT** 13 Appellees. Original Due Date: April 26, 2023 14 15 SPIRO JANNINGS, pro se, CREDITOR/APPELLANT, hereby gives notice to the Clerk 16 of The Court of Appellant's Designation Of Record and Statement of Issues on Appeal to be 17 prepared for the Transmittal of Record On Appeal to the District Court overseeing the Appeal: 18 to wit: 19 20 21 22 23 24 APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

## **DESIGNATION OF RECORD**

2	Bankruptcy Docket No.	Date Entered	Brief Summary of Document and/or Transcript
3	11388	10/08/21	PG&E Objection to Appellant's Claim
4	11388	10/08/21	Declaration of PG&E agent, Ledbetter in support of Objection
5	11388	10/08/21	Declaration of PG&E agent, Leonard in support of Objection
6	11388	10/08/21	Declaration of PG&E Counsel, Nadeau in support of Objection
7	11393	10/08/21	Notice Of Hearing
8	11753	12/28/21	Appellant's Motion to Abstain and Dismiss
9	11768	12/30/21	Appellant's Motion to Enlarge Time
10	11768-1	12/30/21	Declaration of Appellant's counsel in support of motion
12	11775	12/31/21	Appellee's Opposition to Motion to Enlarge Time
13	11806	01/11/22	Appellee's Request for Default
14	11806-1	01/11/22	Exhibit e-Mails of PG&E in support of Default
15	11829	01/14/22	ORDER Disallowing Appellant's Claim
16	11871	01/26/22	Appellant's Rule 60 Motion for Relief of Order (Dkt. 11829)
17	11871-1	01/26/22	Declaration of Appellant's Counsel, Furstman
18	11871-2	01/26/22	Declaration of Appellant's Counsel, St. James
19	11872	01/26/22	Notice Of Hearing
20	11939	02/16/22	Appellee's Opposition to Rule 60 Motion
21	11940	02/16/22	Declaration of PG&E Counsel, Kim
22	11940-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
23	11941	02/16/22	Declaration of PG&E Counsel, Nadeau
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APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: <u>23-CV-01735-HSG</u>

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1	11941-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition	
2	12009	03/14/22	ORDER Denying Appellant's Rule 60 Motion (Dkt. 11871)	
3	13447	01/12/23	Appellant's Substitution of Counsel	
4	13455	01/13/23	Appellant's Rule 60(b) Omnibus Motion	
5	13456	01/13/23	Declaration of Appellant, Jannings	
6	13458	01/17/23	Notice Of Hearing	
7	13524	02/21/23	Appellee's Opposition	
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9	13525	02/21/23	Declaration of PG&E Counsel, Nadeau	
10	13561	02/28/23	Appellant's Reply to Appellee's Opposition	
11	13562	02/28/23	Declaration of Appellant, Jannings	
12	13563	03/01/23	ORDER Affirming 03/07/23 Hearing	
13	13591	03/07/23	HEARING Transcript; Appellant's Motion (Dkt. 13455)	
14	13646	03/27/23	ORDER Denying Rule 60(b) Reconsideration of Default	
15	13662	04/10/23	Appellant's Notice of Appeal	
16	Pending	05/12/23	Appellant's Motion for Leave to Expand Time for Designation of Record and Statement of Issues	
17	Pending	05/12/23	Appellant's Declaration in Support of Motion for Leave to Expand Time for Designation of Record and Statement of Issues	
18	Pending	05/12/23	The U.S. Bankruptcy Court's Order and/or all relevant records	
19		Or Later	filed with the Clerk in response to Appellant's Motion for Leave to Expand Time for Designation of Record and Statement	
20			*** END OF DOCUMENTS ***	
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	APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES			

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## STATEMENT OF ISSUES ON APPEAL

- 1. Whether the Bankruptcy Court erred by failing to apply an appropriate "case by case analysis" to Appellant's Omnibus Motion filed per F. R. Civ. P. 60(b)(1)/(3) (Dkt. 13455), for determining if [it] was "made within a reasonable time," as defined under F. R. Civ. P. 60(c);
- 2. Whether the Bankruptcy Court erred in determining "made within a reasonable time" under F. R. Civ. P. 60(c) circumvents or supersedes its stipulation of: "no more than a year after the entry of judgment," as specified for relief pursued under F. R. Civ. P. 60(b)(1)/(3);
- 3. Whether the Bankruptcy Court was prejudiced by considering the un-answered allegations of the Appellees' Objection (Dkt. 11388) to determine its ruling (Dkt. 11829) for a motion otherwise limited to a default (Dkt. 11806), and thereby prejudiced Appellant;
- 4. Whether the Bankruptcy Court erred in unfairly sanctioning Jannings individually for the misdeeds of his counsel's untimely filings, when the Court determined Appellee was not and could not be prejudiced by granting Appellant's relief;
- 5. Whether the Bankruptcy Court erred in ignoring, or failing to correct its interpretation of a clearly stated scrivener error it used in weighing its final determination;
- 6. Whether the Bankruptcy Court erred in finding the burden to determine fraud upon the Court was not met;
- 7. Whether the Bankruptcy Court erred in denying Appellant the opportunity to amend his action against Appellee in State Court, which preceded Appellee's Chapter 11 filing;
- 8. Whether the Bankruptcy Court erred in ignoring established case law pertaining to the Agency Theory over Attorney Authority that has been determined by SCOTUS since *Link* v. Wabash Railroad (1962); and brought to the Court's attention (Dkt. 13561);
  - 9. All other matters of error properly raised in the record, which can be delineated.

Respectfully submitted, Date: May 12, 2023 SPIRO JANNINGS, Appellant /s/ Spiro Jannings SPIRO JANNINGS Pro Se APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES

ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG